

REMARKS

Applicants appreciate the consideration of the present application afforded by the Examiner. Claims 1-21 were pending prior to the Office Action. Claim 2 and 13 have been canceled through this Reply. Therefore, claims 1, 3-12, and 14-21 are pending. Claims 1, 5, 12, 16, and 21 are independent. Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks.

Claim Rejections - 35 U.S.C. §103(a)

Claims 1-21 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,741,864 to Wilcock et al. (“Wilcock”) in view of U.S. Patent No. 5,610,815 to Gudat et al. (“Gudat”). Claims 2 and 13 have been canceled through this reply, rendering the rejection of these claims moot. Applicants submit the Examiner has failed to establish a *prima facie* case of obviousness for the remaining claims and traverse the rejection.

For a 35 U.S.C. § 103 rejection to be proper, a *prima facie* case of obviousness must be established. *See M.P.E.P. 2142*. One requirement to establish *prima facie* case of obviousness is that the prior art references, when combined, must teach or suggest all claim limitations. *See M.P.E.P. 2142; M.P.E.P. 706.02(j)*. Thus, if the cited references fail to teach or suggest one or more elements, then the rejection is improper and must be withdrawn.

Independent claim 1 recites an image processing server comprising, *inter alia*, “a database for storing GPS information for a plurality of base stations; and wherein the means for specifying specifies the position of the mobile communication device based on the base station related information, the base station being used in transmitting the image data and the database storing the GPS information in association with the base station related information.” Applicants submit that neither Wilcock nor Gudat teach or suggest at least this limitation of the claim.

In the Office Action, the Examiner in rejecting claim 2 (which previously recited the database in question) alleges that Wilcock in view of Gudat discloses a database that stores GPS data of base stations. The Examiner points to Wilcock, Figures 1, 3-5, 11-12, 17; col. 8, lines 39-51, col. 10, lines 11-30 to allegedly show this feature. *See Office Action, p. 8, line 5*. Applicants

submit that these recitations, and Wilcock as a whole, fail to teach or suggest a database such as the one claimed. Location server 41 of Wilcock only stores the location information of the mobile device, *not* the GPS location data of multiple base stations, as claimed. Furthermore, Gudat does not cure this deficiency of Wilcock, and does not teach or suggest a database for storing GPS information for a plurality of base stations, much less that a specifier specifies the position of the mobile communication device based on the information stored in the database. The Examiner's statements regarding claim 2 on page 8 of the Office Action amount to a general allegation that the combination of Wilcock and Gudat results in the database as claimed, an allegation which Applicants submit has no basis and respectfully traverse.

In this instance, the combination of Wilcock and Gudat fails to teach or suggest each and every limitation of claim 1. As demonstrated above, Wilcock in view of Gudat fails to teach or suggest "a database for storing GPS information for a plurality of base stations" as recited in claim 1. Independent claims 5, 12, 16, and 21 also recite at least this feature comparably to claim 1 and are distinguishable from Wilcock and Gudat for at least this reason. Dependent claims 3, 4, 6-11, 14, 15, and 17-20 are also distinguishable from the prior art at least due to their dependence from claims 1, 5, 12, 16, or 21, directly or indirectly.

Therefore, Applicants submit that claims 1, 3-12, and 14-21 are patentable over Wilcock in view of Gudat and respectfully request that the rejection of claims 1, 3-12, and 14-21 under §103(a) be withdrawn.

CONCLUSION

All objections and rejections raised in the Office Action having been addressed, it is respectfully submitted that the present application is in condition for allowance. Notice of same is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John R. Sanders Reg. No. 60,166 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Application No. 10/824,439
Amendment dated July 18, 2008
Reply to Office Action of April 2, 2008

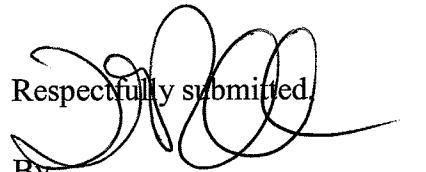
Docket No.: 0649-0955P

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted

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